

To be preserved for the present

G. R. S. IX--5]

Previous references

192

R.A.

21/12/31

File No. 29-23

Serial Nos. 17, 23

29, 39+52

Later references

R.A. 29-23 (58+67)

R.A. 29-23 (64)

R.A. 54-26 (5, 6 etc)

~~Refer to~~

## GENERAL AND REVENUE SECRETARIAT.

Serial Nos. fine

Part B for May 1924

### SUBJECT

Petition of Mr Venkatarayareddi of Mandial,  
appealing against the decision of the Dy Commis-  
sioner in regard to the election of Mr H. Narayana  
Advocate, from the Chikhalapur Rural Constituency.

No. 6671-2 of 31-5-24

No. 29-23 of 31-5-24  
Secy. R.A. & Co

Reverses the order of the Dy. Commr and copies  
the original election of Mr Venkatarayareddi from  
the Chikhalapur Rural Constituency.

Maniashwamy Jeyar  
7/6/24

## GENERAL AND REVENUE SECRETARIAT.

(MA)

## NOTES.

File No. 29-23

## FILE HEADING.

Appeals against elections to the Rep.  
Assembly

From

Mr. M. Vankatarama Reddi of  
Mandakal

No. Appeal Dated 14-3-24 Received 17.3.24  
petition

Diary No. 4043

Enclos.

Spare Copies.

Serial No. 28/17

## BRIEF ABSTRACT OF LETTER.

Appeals against the decision of the  
By Comm. Kolar Dt in re: the election  
of Mr. H. Narayana, Advocate, Chikkallapur  
from the Chikkallapur Rural constituency

## NOTES AND ORDERS.

1 Orders of the L and L Secy thereon

2 Call for records

(Info) Bn 14/3

3 Draft submitted.

4 Issued

18/3

18/3

4043

4283

V<sup>2</sup>Serial  
No.

23

To

The D.C. Kolar Dist., No 5233 of 19-3-24  
Forwarded the <sup>appeal</sup> petition of Mr. M. Veerabha-  
rayareddi, of mandgal, Chikballapur  
Taluk in the matter of the election of  
Mr. H. Narayanaiah from the Chikballapur  
rural constituency for an early report  
with connected records.

29

From Mr. N. Balakrishnayya.

Advocate, Bangalore.

Application of 29-3-24.

States on behalf of his client Mr. Veerabha-  
raya Reddi that the appeal petition  
has not been posted for hearing and  
requests that the same may be done.

5 Orders of the Asstt Secretary there.

6 References

(INT) CAG

29/3

7 Submitted with references - there  
is another file in which the  
question of allowing persons to  
appear has been dealt with.

Please put it up.

29-3

8 Submitted (Flag 2. in Regd 14-23)

29/3

linked file

4283  
File No. 29 of 19233  
4466  
3Serial  
No.Flag  
J

9. As regards appearance of a Pleader  
the Dewan has ordered in the linked file that  
the question is not a formal one & must be left  
before. That aspect of the case is thus  
disposed of.

Sub A

10 Report of the D.C. may be  
awaited.

copy  
3/4

39

From the Deputy Commissioner, Kolar  
No: H.C. 320 D/8. 4. 24.

22.23

Forwards the entire file of records  
connected with the election.

Para 3

Flag Q

B

Flag D  
in the linked file  
kept above

11. Submitted for perusal. The  
objection that Mr. Narayana, was  
not a voter at all for the rural  
constituency of Chikballapur Taluk seems  
to be a valid one. (Vide D.O. letter No.

1934 D/16.2.24 to the Deputy Com.

Ref  
- Mysore, Kolar & Co.)

In the election of Mr. Venkataraya Reddy  
has been set aside by the D.C.

Commissioner on the ground that he hired  
a number of carts for the use of the  
voters in the Mandikal hobli.

Flag R  
(In front of  
D.C. Page  
34)

13. This is an appeal against  
24/4 the order of the Deputy Commissioner.

Serial  
No.Flag  
E

invalidating the election of the Appellant (Mr Venkatarajgarreddi) <sup>and his friends</sup> for ~~the~~ corrupt practices, and declaring the Opponent, (Mr Naraniach) who secured the next highest number of votes, duly elected.

Flag O  
(5)

14 Three grounds had been alleged before the Deputy Commr, challenging the election of the Appellant. Two of which - viz, enticement of the votes, and threat of ostracism, in case they votes for anybody who was not a Vakkaligar - were not brought home to the appellant.

Flag O  
(8)

The Deputy Commr, considered, however, that the third ground, ie, that the appellant engaged carts and brought the votes, was proved, accordingly he declared the next candidate as duly elected.

Flag R

(5) Of the grounds now urged for a reversal of the order of the Deputy Commr, the plea that the Deputy Commr did not allow the witnesses of the appellant to be examined, is of no avail, as no attempt has been made to prove it. In fact from the affidavit filed with the appeal, and the notes in the order sheet of the case, it is clear that

Para 1  
Flag R

Flag 7

Flag H

DA

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of 19

23

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The remaining witnesses were dispensed with by the Appellants' Counsel. Even granting that the D.C. said that so many witnesses were not necessary, it is appellants' look out to examine all that he considers necessary for his case.

Para 2

Flag A

Para 4

Flag B

If the other allegations are that the evidence was mostly 'hearsay' that corrupt practice was not ~~proved~~ that it is easy in a case like this to get some witnesses to speak as tutored and that the witnesses were interested, and unworthy of credit. Appellant does not seem to have a clear idea about what 'hearsay' evidence exactly is. Admissions of a party before persons, who come and depose ~~that~~ about these admissions is not 'hearsay' evidence. It is direct evidence, not even Secondary evidence. It is not shown how the witnesses are interested and in fact no attempt has been made in that direction. In an ordinary case it is of course easy enough to get people to speak as tutored, but when the witnesses happen to be legal practitioners, and respectable merchants

Serial  
No.

There is no room to suspect their testimony, when they are shown to be in any way interested. Admissions made go to show that two voters were brought in 20-6-24 carts. A reference to hired conveyances, and to the loss of hire, because several voters went away without voting, brings the case under corrupt practices. If the conveyances were not hired, there was difficulty. There is still another point, that the hire for conveyances should be paid in order to induce the voters to vote for the candidate. This is not capable of proof, but may be inferred. The appellants was not probably aware about these new rules relating to corrupt practices as suggested by the Deputy Commr (Baz R).

!7 There is, however, another objection which is not so easy to dispose. His objection Mr Karanich is that Mr A as such is eligible to stand as candidate and get elected. The Deputy Commr, in the last para of his order has disposed of the objection on the ground that it is too late, and that an election can not be challenged on account of a corrupt practice, as material irregularity in the conduct of elections. In view of his previous order allowing him to stand as a candidate (Baz P) the Deputy Commr

Hag R.

Hag D

Hag R

Hag C

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could not but get over the objection, as he has done. When the question of Mr. Narainiah's candidature came up to Govt., it was feared that the order of the Deputy Commr was not correct, (it was inconsistent with a previous order of his in a similar case), and ~~the Deputy Commr~~ the Deputy Commr was pleased to remark that no orders were possible at that stage, and that the election might be questioned by the parties if Mr. Narainiah was successful (vide note of the Secy R.H. to C. & D. Commr flag K, and the D.O. issued to the Deputy Commr flag D.).

If this is no corrupt practice but may be treated as a material irregularity, in as much as a candidate, who had no locus standi, has been declared elected. So far as this appeal is concerned, it is immaterial to the appellant, whether his opponent is unseated, so long as he is also unseated, unless the discomfiture of his opponent is a satisfaction to him. The appeal may

Copy in the file  
Legs 14-23  
Kept below

4462  
p

(8)

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be disposed of <sup>at</sup> that ground. But technically the appellant being a candidate and a voter, can challenge the election of another, irrespective of the fact whether he succeeds or not. In this case the case, this a point for consideration whether a re-election may not be ordered, as this doubtful, whether Mr. Maramiah can be passed over as ineligible, and the next candidate (according to the number votes obtained) declared instead. The rules do not seem capable of being stretched so far, as there has been a material irregularity from the beginning, a re-election appears to be the proper remedy.

The advocate has filed a Vakalat and requests to be heard. Whether he should be given an opportunity is also for order.

(L & L Secy.)

ccy  
25/4

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20 In this case the Deputy Commissioner of Kolar has set aside the election of the appellant on the ground that he is guilty of corrupt practice as he hired carts for the voters. I have carefully examined the evidence on record and considered the probabilities and I find it difficult to support the conclusion reached by the Deputy Commissioner.

21 There are two petitioners Mr. H. Naraniah ~~and~~ Advocate and Kannigettappa. They examined 8 witnesses namely:--

- (1) H. Naraniah (one of the petitioners)
- (2) Visvanatha Rao
- (3) Muguvalappa
- (4) Shamachar
- (5) Venkatachelliah
- (6) Setti Rudrappa
- (7) Venkatramaniah
- (8) Chikkaramaswappa

1 P.W. deposes as follows:--

22 "On the 16th when the elections were going on, the 2nd opponent Venkatraya Reddi was giving out before him and several others in front of the Polling Station that he had to feast the voters and engage 22-23 carts for conveying them to Chikballapur and that for having taken so much trouble they were able to get many votes and that otherwise they could not have expected to secure so many votes like myself" He bases his whole case upon this admission.

23 2 P.W. does not give any material evidence in that he only says that he saw some of the voters coming in carts and that the father of the second opponent was hurrying up the voters to get into the

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carts.

24 3 P.W. does not at all say anything about the malpractice but only testifies to the presence of the opponent's brother.

25 4 P.W. says as follows:-- "When he was seated by the side of Naraniah at 12 noon on the 16th he heard a gentleman remarking that the Reddi has monopolised the whole thing. After this <sup>above</sup> remarking the second opponent is reported to have stated "we have just closed the affair. We have taken much pains and ~~that~~ in spite of it many men who came in carts went away." He says that he did not understand what the second opponent meant by this. This evidence contradicts that given by Mr. Naraniah and no admission of any kind can be spelled out of this evidence.

26 5 P.W. says that the opponents were saying that voters should vote for them as they were their caste men and he also refers to the entertainment of voters by supplying them soda and betel leaves. At the end of his statement he deposes to the fact of 2nd opponent saying that he engaged the carts. He does not refer to the circumstances under which this conversation took place. It is impossible to say whether there was any necessity for the opponent who was a stranger to this witness to enter into a conversation of this kind. He admits that he is a friend of the 2nd petitioner and as such seems to be an interested witness.

27 6 P.W. says that at 4 or 5 P.M. on the 15th February the second opponent told him "that several of the voters who had come in carts could not record

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(11 11)

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their votes, that they returned to their villages and that the 2nd opponent had to lose the cart hire.<sup>u</sup> He refers to have received some information regarding some arrangements made for feeding. He is the casteman of the 2nd petitioner. There is inherent probability in the statement that he has made, for, no voters could have gone back at 4 P.M. on the 15th when the alleged elections were taking place and there was no occasion for the second opponent to make any admission before this witness.

28 7 P.W. deposes to the fact of second opponent voluntarily admitting before him that he brought voters in 20 or 24 carts and of some feeding on the 15th and to many of the voters leaving without voting. He refers to some hearsay evidence regarding the ostracism and entertainment given by the 2nd opponent. He admits that Mr. Shamachar P.W. 4 was present when this conversation took place. Mr. Shamachar does not support him but gives a version quite different from the version given by this witness. This witness seems to be a friend and a companion of the 2nd petitioner.

29 8 P.W. says that the second opponent told him that they brought voters in carts. He does not say that the voters were brought in carts hired by the opponent. His evidence, even if believed, does not lead to the conclusion that the carts<sup>were</sup> hired by the 2nd opponent. It only shows that the voters - - - travelled in carts.

30

This closes the case for petitioners.

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31 From the evidence it is seen that Mr. Naraniah's version has not been supported by any of the witnesses examined by him, that there is no consistent version regarding the alleged admission made by the 2nd opponent, that no independent evidence has been adduced and that apart from the so called admission no definite evidence is adduced to prove the hiring of carts by the second opponent.

32 Regarding probabilities, Mr. Naraniah a shrewd and experienced lawyer could have easily procured the direct evidence to prove the hiring of carts for the voters if it was really a fact, and it is not possible to believe that a rival of his would make a confession before him in the manner stated without any object in view.

33 As regards Mr. Naraniah himself, his letter to the 1st opponent Ex.D.1 clearly shows that he has induced the 1st opponent to procure votes for him and asked him to work for him and secure all the votes for themselves. This act of his may fall short of corrupt practice, in that he did not give any bribe to voters and that he did not hold out any promises of individual benefit. In order that an admission against interest of any one should bind the deponent, it is necessary that the exact words should be proved. In this particular case, as shown above, there is no reliable evidence to prove that the 2nd opponent hired carts at his expense in order to induce voters to give votes for him.

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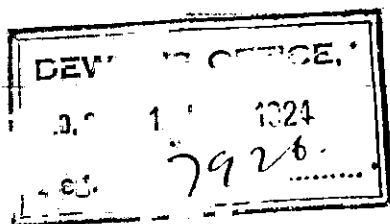
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13)Serial  
No.

34 It is rather unfortunate that the Deputy Commissioner who has allowed Mr. Naraniah, in contravention of the rules, to stand as a candidate and who has been told by Government that he was wrong, should have had to try this case. While the witness Mr. Shamachar was not able to understand what the second opponent meant by saying that he <sup>great</sup> took/pains, the Deputy Commissioner has construed that expression to mean that he hired carts. This construction is not warranted.

35 Having regard to the conflicting nature of the evidence and the probabilities, it is quite possible to take a view different from the one taken by the Deputy Commissioner..

36 Turning now to the legal aspect of the case, it is clear that the whole election has been vitiated by material irregularity. The letter addressed to the Deputy Commissioner Flag D contains the opinion of Government regarding the candidature of Mr. Naraniah i.e., that the Deputy Commissioner was wrong in allowing Mr. Naraniah to stand as a candidate for the rural constituency while he was entitled to stand only for the urban constituency. Mr. Naraniah was in law not qualified to stand for rural constituency. When a disqualified candidate is allowed to stand for election, the votes recorded in his favour become invalid and the other qualified candidates lose the benefit of such votes.. Thus the whole election is vitiated by such a procedure.

37 It is a matter for surprise that the Deputy

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Play D

NOTE—Contn. sheet.

Commissioner should have declared Mr. Naraniah to have been duly elected when he was expressly told by Government that Mr. Naraniah was not to have been allowed to stand as a candidate. The Government have stated in their letter dated 16th February 1924 that in the event of Mr. Naraniah succeeding, it may be left to the parties to complain against such election. It was therefore conceded by Government that the election of such a candidate would be improper. The Deputy Commissioner ought to have paid due consideration to the intention of Government and submitted the case for the orders of Government if he really found any difficulty. There was no such difficulty in this case as the point was clear and the Government's intention was made known to him. The Deputy Commissioner would have done well if he had referred the matter for the orders of Government under Rule 6(a) (Page 89 of the Volume I of the Manual).

38 If the Government considers that the evidence adverted to above will not support the finding that the appellant did really hire the conveyances, they can set aside the order of the Deputy Commissioner. If, however, the Government agree with the Deputy Commissioner in his finding, his order declaring Mr. Naraniah as a duly elected candidate cannot be supported. This will be in accordance with the view expressed by Government which, I submit, is the right view. In that case the Government have to order a re-election.

Dewan: Plus, but 10/10 80

1/2/24 In the office 394

2/2/24, 10/10 5/5

1/2/24 - 1/1/24

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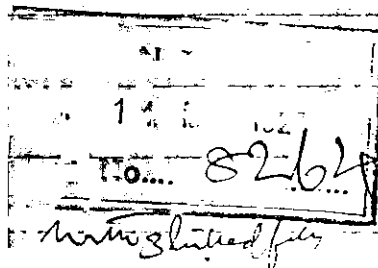
13/5/24

402 agree with the views of the Secretary  
~~Secretary~~ The Dy Commr has per used  
 his election in his opinion that 'his position  
 is purely of malpractice'. By malpractice  
 the Dy Commr evidently means corrupt practice.  
 A person is guilty of corrupt practice if  
 he employs these things 'Pays expenses of  
 himself or hired canvassers in order to induce  
 them (voters) to give votes in his favour'. What  
 his evidence shows is believing all the  
 witnesses of his opponent in his appeal  
 that his pet supposed costs and brought  
 his voters to his place for nothing. It may be  
 that he paid for his canvassers, but  
 some evidence might have been got in  
 before that fact. In his absence of  
 evidence what else it cannot be  
 presumed that his canvassers were  
 not his & that he paid for them. The  
 rules regarding corrupt practices are in  
 his notice & a penal enactment  
 and right who existed strictly  
 fairly constituting corrupt practices  
 might be clearly and unambiguously  
 proved. Such a proof is wanting  
 in this case. The evidence is too

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No.

by the and in dispute to be acted upon.  
I would therefore allow this appeal and  
set aside the order of the Dy. Commr.  
If it is held that the finding of the  
Dy. Commr. is correct, then the course adopted  
by him in declaring the Varanasi as such  
is correct.



11/5  
14/5

Dewan)

Whole Sale rule.  
Muzkhatup. The  
Whole Sale rule seems to be  
correct - can the records  
be that good.

Secy L. C.

14/5

23/5

OFFICE OF THE SECRETARY  
24 MAY 1924  
LEGISLATIVE ASSEMBLY,  
LEGISLATIVE COUNCIL &  
ECONOMIC CONFERENCE

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43 There has been material irregularities in these elections and the irregularities consists in the fact that Mr. Naranaiga who was eligible to stand as a candidate for the Chickballapur urban area was permitted to stand for the rural area. The point came up at the time of the elections, but it was considered that in the absence of any special provision Govt could take no action and that in the event of Mr. Naranaiga being elected it was open to the defeated candidate to contest the election and have it set aside. The Depy Comr. was also informed that his interpretation ~~was~~ of the rules on the subject was not correct. He has subsequently made a reference to Govt on the subject but as the present file which was required as a reference was not available it has not yet been sent for order.

44 This however does not affect the question for decision in this file. The question here is this :-

45 When the results of the Chickballapur rural elections were announced, it was found that votes had been recorded in favour of the following in the order named below: (1) Mr. Sonnappa,  
(2) Mr. Venkataraddi, and  
(3) Mr. Naranaiga.

46 As however, only two members had to be elected

General and Revenue  
Secretariat.

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The first and the second gentlemen were declared duly elected. The irregular candidature of Mr. Naranaiga did not affect the elections.

47 Subsequently, however Mr. Naranaiga contested the elections before the D.C., Kolar St., on the grounds that the second member elected viz. Venkata Veddai was guilty of the following corrupt practices:-

- (1) Had solicited the voters,
- (2) Had threatened the Vokkaliga voters with social ostracism if they did not vote for Vokkaligas,
- (3) Had conveyed votes in hired carts.

48 The decision of the D.C. who inquired into the matter is distinctly against Naranaiga on the 1st and the 2nd counts & there is no necessity to refer to this any further.

49 As regards the charge of conveying votes in hired conveyances, which is a corrupt practice. Under the rules, the D.C. considers that the charge is proved and he therefore sets aside Venkatareddi's election and declares Naranaiga as the duly elected candidate. Regarding this finding of the Depy Commr., the local and Deputy Secy, who has noted on the point, considers that sufficient proof is not forthcoming to justify the finding and the first member agrees with him. In this view, the Depy Commr's finding

Serial  
No.

Should be set aside and Venkateswari restored  
to his position as a member of the Rep. Assembly

Dr. Subba

RR  
29/5-

50% in the case of the  
petition in the case of the  
eligibility of the petitioner  
to stand. That further details  
are now.

51 The by-laws order  
supports the concept.  
The Malprachin - a  
set aside the election  
of the appellant - in  
that it is a admitted  
as unsatisfactory evidence.  
The appeal has therefore  
been allowed. The  
election of the appellant  
has been upheld.

30/5

Local Leg. Secy  
With Compliments,

RR  
30/5

Issue orders  
8/30/5-

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Deam Vignif of  
Lun Kainiak  
has been notified

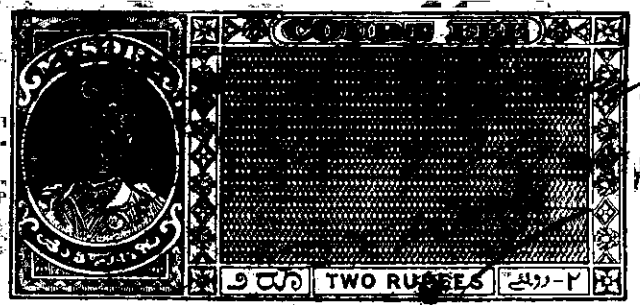
Verified & found  
that it has not been  
notified

5308. Draft Court order & an  
endorsement to the petitions  
are submitted for approval  
no notification  
is necessary - as Mr. Naraniyah  
has not been notified. The original  
notification of Mr. Reddi still  
remains. order may  
issue. Copies to the parties.  
instead of endorsement.

Car  
31/5

52 To the D.C. Kolar Dist

" Secy R.A. and C.C.  
No. P. 6671-2. dt 31/5-24.  
Devis orders in the appeal preferred by  
Mr. Venkataraya Reddi regarding the  
order of the Deputy Commissioner  
and <sup>restoring</sup> ~~confirming~~ the appellants' election  
from the Chikballapur Rural Constituency.  
Copy to Mr. M. Venkataraya Reddi  
" to Mr. H. Naraniyah, Advocate  
Chikballapur



In the Court of the Court of H. H. M. Narayanaiah  
at Bangalore.

D. A. E. App. CASE No. OF 1923-1924

Appellant, Plaintiff.

Respondent, Defendant.

M. Venkatarang Reddy VS. H. Narayanaiah

1. I...the.....appellant.....above named do by these presents retain Messrs. Mr. Bala Krishnaya B. L. B. & C.B. Srinivasa Rao M. L. B. Advocates S. S. SUNDARATHENGAR, M.A., B.A., Advocates, to appear in and conduct the above case on...my...behalf to judgment.

2. I....further empower them to execute any decree or order that may be passed in...my...behalf and to receive from Court such sums of money as...I...may be entitled to get and to grant receipts therefor.

3. I...also undertake to confirm and ratify all the legal acts done by the said Advocates in so doing.

Accepted.

B. S. Srinivasa Rao  
Advocates for app.

Signed before me and personally known to me.

[Signature]  
11. 3. 24  
Advocates.

Please place this in the file. 22/3

SUBJECT

Forwarding appeal petition  
of Mr. M. Venkatarang Reddy  
of Mandikal for report with  
records.

Diary No. of letter replied to

4043

Section

RA

File No.

29-23

Serial No.

23

General and Revenue Secretariat

( RA )

, the

192

No. P. 5-233

Date of issue

19-3-1924

To

The Deputy Commissioner  
Kolar Dist

Signed by

M. C. A. G.

Sir,

I am directed to  
forward for an early report  
with records, the petition  
of Mr. M. Venkatarang  
Reddy, of Mandikal, Chikballa.  
for Taluk with its enclosed  
appearing against the  
order of the Dy. Commissioner  
Kolar Dist in respect of the  
election of Mr. H. Narasimha  
Advocate, Chikballa per.

W. B. B.

As a member of the  
Rep: Assembly from  
the Chikballapur Rural  
Constituency.

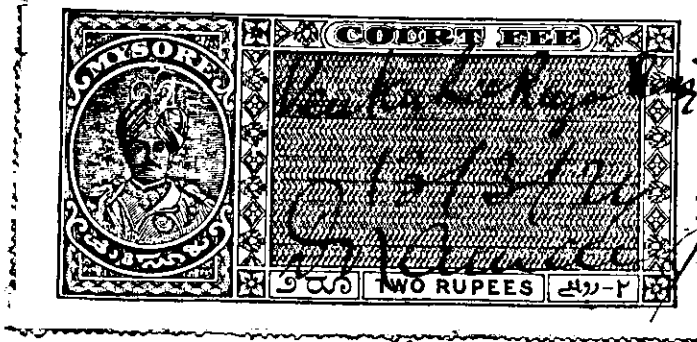
I have re

<sup>my</sup>  
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for Recy to govt  
L & L Depart  
~~888~~  
18/3

List of enclosures.

Copied by

Examined by



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75 P

Recd 17/3

R.A. 29-23  
Al: 17

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,  
B A N G A L O R E.

R.A.E. APPEAL NO..... of 23-24.

Appellant.

Respondent.

M. Venkataraya Reddy, Vs  
son of Muni Reddy,  
aged, 42 years residing  
at Mandikal, Chickballapur Taluk.

H. Naraniah,  
Father's name  
not known aged 60  
Advocate, residing  
at Chickballapur  
town.

Regn. of 1923

Under Regulation XVIII of Mysore <sup>Regn. of 1923</sup> thereunder the appellant above named, begs to appeal against the order of Deputy Commissioner Kolar District, dated 8-3-24, in R.A.E., case of 3 of 23-24 on the following amongst other grounds.

1. That the learned Deputy Commissioner erred in not allowing the appellant to put in the witnesses that were in attendance on the date of hearing namely 8-3-24.

2. The Lower court ought to have dismissed the petition even on the evidence on record which is mostly hearsay.

3. That the Respondent was not a voter at all of the rural constituency and as such was not entitled to stand as a candidate, ~~not~~ having <sup>no</sup> locus Standi in the Case.

4. The Lower Court erred in believing that the appellant had recourse to corrupt practices, when there were none.

5. That the Lower Court failed to note that producing a few persons as witnesses is a very easy affair and that unless it is of a totally disinterested <sup>& reliable</sup> character it cannot be acted upon.

Presented by  
W. P. M.

84  
4/3

Called for  
Records

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cur  
14/3

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No. 4c  
ENCS. 2 files

320

OFFICE OF THE DEPUTY COMMISSIONER,  
KOLAR DISTRICT.

Dated Kolar, the 8th April 1924.

FROM

R.A. 29-23-39.

S. HIRIANNAIYA, Esq., M.A., B.L.,  
DEPUTY COMMISSIONER, KOLAR DISTRICT.



N a g a p p a, Esq., Bar-at-Law,  
Secretary to Government of Mysore,  
Local & Legislative Departments, Bangalore.

SIR,

Recd 10/4  
5th  
With reference to your letter No: P.5233/R.A.29-23-23 dated the 19th March 1924, forwarding for an early reply, with records the petition of Mr. M. Venkatarayareddi, appealing against this office order in re: the election of Mr. H. Naraniah, Advocate, Chikballapur, as a member of the Representative Assembly from the Chikballapur rural Constituency, I have the honor to forward, herewith, the entire file of records connected with the enquiry as also the petition received with the letter under reply.

2. As regards the allegation that he was not allowed to examine his witnesses, I have to point out that at the commencement of the enquiry, I enquired how many witnesses each side was going to examine and when the opponents <sup>Counsel</sup> consulted Mr. D. Venkatesaiya ~~he~~ said he had 16 witnesses. I remarked that I saw no necessity for examining such a large number and that about five or six witnesses should be sufficient. But as it turned out, Mr. Venkatesaiya did not wish to examine more than one witness and he dispensed with the others, vide my note on the order sheet dated 5th March 1924.

3. The facts of the case and the result of the enquiry are embodied in the order accompanying the record.

I have the honor to be,  
Sir,  
Your most obedient servant,

*S. Hiriannaiya*  
Deputy Commissioner,  
Kolar District.

V.V.R.

6. The decision of the Deputy Commissioner is against Law, Equity and the probabilities of the case.

7. That the evidence adduced by the respondent is highly interested, discrepant and unworthy of belief.

The appellant therefore prays that the order of the Deputy Commissioner may be set aside, and the original election of the appellant confirmed.

*Wm J. D. S. 1870-1871*

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BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

B A N G A L O R E.

R.A.E. APPEAL NO..... of 23-24.

Appellant.  
M. Venkataraya Reddy.

Respondent.  
H. Narniah.

I, Venkataraya Reddy, son of Muni Reddy, Aged 42 years, Hindu Vokkaligar, residing at Mandikal, Chikkaballapur Taluk, do hereby solemnly declare and state on oath as follows:--

I was a candidate for ~~the~~ election to the Representative Assembly from the Chikballapur, Rural Constituency, and was duly elected for the same.

Messrs. H. Naraniah and Kannasettappa, filed objection petition against this election which was heard by the Deputy Commissioner, Kolar District.

On the 5th instant when the case was posted for evidence I had eleven witnesses ready in attendance for being examined. The Deputy Commissioner examined only one and said that the examination of other witnesses was unnecessary. Accordingly my lawyer Mr. D. Venkatesayya, informed me that in as much as the petitioner has not made a good case, no further evidence need be issued and as per the opinion of the Judge, the petition shall be dismissed with the result that my election will not be affected in any way. Consequently the remaining ten witnesses were not examined. Though this was done at the suggestion of the presiding Judge, the petition has been allowed to the prejudice of the appellant.

Even without this evidence the petition ought not to have been allowed, as the evidence adduced by the petitioner is

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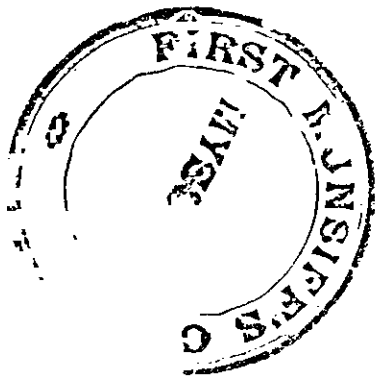
is mostly hearsay and spoken to by interested witnesses, majority of whom ~~are~~ <sup>being</sup> not voters.

Further Mr. H. Naraniak who is declared elected for the rural constituency is not a voter for the said constituency.

It has no locus Standi at all either to vote in the constituency or to stand as a candidate or entitled to object to the election of the Appellant in this case.

Mysore }  
14/3/24 }

~~Sworn to before me~~  
appellant



Sworn to before me

L. Venkataramappa  
18th Runners Co.  
Mysore  
14/3/24

6283  
P 29  
R.A. 29-23-29

BEFORE THE GOVERNMENT OF H. H. THE MAHARAJA  
OF MYSORE, BANGALORE.

R. A. E. App. .... of 1923-24.

APPELLANT:-

(V S.)

RESPONDENT:-

Venkatarama Reddi.

H. Naraniya.

The Appellant abovenamed begs to state as follows:--

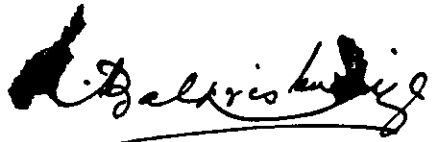
1. The Appellant filed the above Appeal on the 13th instant. and the same does not appear to have been posted for hearing as yet.

2. The Appeal involves some very important points of Law in favour of the Appellant, which require to be explained.

3. It is, therefore, very necessary and essential that the case be posted for hearing and the Appellant's Counsel allowed an opportunity to represent the case of the Appellant.

The Appellant, therefore, prays that the case be posted and the Appellant be heard before it is disposed of.

Bangalore, )  
29th March 1924.)

  
ADVOCATE FOR THE APPELLANT.

P. N. S.

In M. A. 29/3

P. N. S. 29/3

P. N. S. 29/3  
References 29.3

G.R.S VI G 34]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

, the

192

Date of issue.....

Signed by.....

May this be

- i Printed ?
- ii treated as a standing order ?
- iii published in the Gazette,  
English Part ?
- iv translated ?
- v placed at the disposal of the press ?
- vi published in the Gazette,  
Kannada Part ?

Proceedings of the Government of  
His Highness the Maharaja of Mysore.

Read—

Appeal Petition dated  
13.3.24 from Mr.  
M. Venkataraya Reddy  
residing at Mandhal  
Chikkalappa Rural  
appealing against the  
order of the Dy Commr  
Kolar Dist in setting  
aside his election from  
the Chikkalappa Rural  
Order Thereon No.  
Constituency to the Rep. Assembly  
on the ground of corrupt  
malpractice & requesting that  
the original election may  
be restored to  
a member of the Assembly  
2. Correspondence ending  
with Letter No. H.C. 320

Dated the 8th April 22-23  
1924

from the Dy Commr. Kolar  
Dy. forwarding the entire  
file of records connected.

With the enquiry leading  
to the order of reversing  
the election of Mr. Venkataraya-  
reddi, & declaring Mr. H.  
Narasimha, Advocate duly elected  
~~as a member of the Assembly~~  
~~in his place.~~

Order Thereon: - of 1669-70 Records

~~From~~ <sup>on</sup> a perusal of

records connected with

the order of the Dy Commr. declaring the election of Mr. H. Narasimha, a

Member of the

Assembly in place of

Mr. Venkataraya Reddi

who was originally elected.

And ~~the~~ <sup>a</sup> careful consideration

of all the facts of the case,

Government are of opinion

that the Dy Commissioner's decision

supports the complaint

of a malpractice

in the election of Mr.

Venkataraya Reddi

What admittedly is unsatisfactory

evidence, they find that the

List of enclosures.

Copied by

Examined by

is based on what is  
apparently unsatisfactory  
evidence. In a case  
of this nature,  
it is necessary that  
corrupt practice  
should be very closely  
proceed.

G. R. S. 27]

GENERAL AND REVENUE  
SECRETARIAT.

(Continuation sheet draft form.)

~~appeal of Mr. Vankataraya Reddi~~  
~~has to be allowed.~~

They are accordingly  
 pleased to direct  
 that the order of  
 the Dy Comr, be

and to confirm the  
 original election of  
 Mr. Vankataraya Reddi.

~~that the order of the Dy Comr, be~~  
~~confirmed.~~  
~~Mr. H. Narayanaiah~~  
~~as a member of the~~  
~~Assembly be confirmed.~~  
~~the election of~~  
~~Mr. M. Vankataraya~~  
~~Reddi be confirmed.~~

For Secy to Govt  
 L & L Departs

To The Dy Comr  
 K. R. S. S. S.  
 Returning the Record,  
 The Secy, Rep: Assembly

P 6671-2 of 31  $\frac{5}{24}$

1) Mr. M. Vankataraya Reddi  
 son of Mini Reddi  
 residing at Mandikal  
 Chikballapur

2) Mr. H. Narayanaiah  
 Advocate, Chikballapur

Copies to the  
 parties in  
 3/15